

1 **BEFORE THE ARIZONA BOARD OF OSTEOPATHIC EXAMINERS**
2 **IN MEDICINE AND SURGERY**

3
4 IN THE MATTER OF:

) Case No.: ~~3582~~ 3874
)
)

5 **SHOLOM GOOTZEIT, D.O.**
6 Holder of License No. 4441

) **ORDER FOR SUMMARY SUSPENSION**
) **OF LICENSE AND HEARING NOTICE**
)

7 For the practice of osteopathic medicine in the
8 State of Arizona
9

10 **INTRODUCTION**

11 The above-captioned matter came before the Arizona Board of Osteopathic Examiners in
12 Medicine & Surgery ("Board") for review at an emergency teleconference on ("Board") on May
13 16, 2007. After reviewing relevant information and deliberating, the Board considered
14 proceedings for a summary action against the license of Sholom Gootzeit, D.O. ("Respondent").
15 Having considered the information in the matter and being fully advised, the board enters the
16 following Findings of Fact, Conclusions of Law and Order for Summary Suspension of License
17 No. 4441 license, pending formal hearing or other board action. A.R.S. § 32-1855 (C).

18 The Respondent appeared before the Board via the teleconference and was represented by
19 Dan Jantsch, Esquire.

20 **JURISDICTIONAL STATEMENT**

21 1. The Board is empowered, pursuant to A.R.S. § 32-1800, et seq. to regulate the
22 licensing and practice of osteopathic medicine in the State of Arizona.

23 2. Respondent holds license No. 4441 issued by the board to practice as an
24 osteopathic physician.

25 **INTERIM FINDINGS OF FACT**

3. Information was brought to the attention of the Board on or about August 2, 2007

1 that the Respondent had been disciplined by the State of New York and was currently suspended
2 from practicing medicine.

3 4. On April 3, 2007 the New York State Board for Professional Medical Conduct
4 was contacted and asked to provide a copy of Respondent's disciplinary order.

5 5. On April 9, 2007 a copy of a Consent Agreement signed by Respondent on
6 November 30, 2006 and an Order dated December 6, 2006 was received.

7 6. Respondent's New York Order included the following penalties:

8 A. His license was suspended for thirty-six months with the first 12 months to
9 be served as a period of actual suspension and the remaining 24 months stayed.

10 B. His license was placed on probation for thirty-six months, said period to
11 commence at the conclusion of the period of the 12 month period of active license
12 suspension.

13 C. His license was limited to preclude him, either individually or through a
14 professional corporation, from evaluating, treating or billing patients whose services are
15 reimbursed through no-fault insurance and through worker's compensation.

16 D. His license was limited to preclude him from performing and/or
17 interpreting electrodiagnostic nerve and muscle studies until such time as he pass a
18 course of retraining approved by the Director of the Professional Medical.

19 E. He was fined \$75,000.00.

20 7. The above action was based on the following charges:

21 A. Respondent committed professional misconduct by practicing the
22 profession of medicine with negligence on more than one occasion. Specifically, it was
23 alleged that Respondent failed to perform complete electrodiagnostic examinations,
24 identify abnormal findings and note abnormal findings in the records and reports of these
25 studies on one or more patients.

B. Respondent committed professional misconduct by practicing the

1 profession of medicine fraudulently. Specifically, it was alleged that Respondent
2 prepared and submitted the reports of studies to insurance companies with claims for
3 reimbursement, knowing that at least one or two of the nerve conduction studies were
4 fabricated.

5 C. Respondent committed professional misconduct by failing to maintain a
6 medical record that accurately reflected the care and treatment of a patient on more than
7 one occasion.

8 8. On March 1, 2006 the Arizona Osteopathic Board received an application for
9 licensure from the Respondent. The Respondent answered "No" to question three which asks,
10 "Have you had any disciplinary or adverse action...OR have you been notified of any complaints
11 or investigations against your license that have not yet been resolved." On April 20, 2006 the
12 Respondent sent a check to the Arizona Osteopathic Board to activate his license beginning on
13 June 1, 2006.

14 9. The Respondent, in his response to the Board, states that in the beginning of 2006
15 while there was still no record of wrong doing on his New York license, he applied for licensure
16 in Arizona. The Respondent states the following, "I applied for a license, knowing full well that
17 if I disclosed my past, it might impede my acceptance." In addition, the Respondent, states
18 "there is no excuse for me not telling the truth on my original application. My motivation was to
19 work and demonstrate what type of doctor I am."

20 10. Respondent's New York medical license was under investigation at the time he
21 applied for licensure in Arizona. The Respondent did not disclose this on his application for
22 licensure in Arizona. Respondent admitted his failure to disclose the investigation of his New
23 York medical license on his application to practice osteopathic medicine in Arizona.

24 11. On November 21, 2006 the Arizona Osteopathic Board received Respondent's
25 renewal application. The Respondent answered "No" to question four which asks, "That you had
any disciplinary or adverse action imposed against any professional license, that you were denied

1 a professional license, or that you entered into any consent agreement, stipulated order, or
2 settlement with any regulatory board other than the AZ Osteopathic Board.”

3 12. The AMA Physician Disciplinary Alert Bulletin states that the Respondent was
4 issued a disciplinary action by the licensing Board in New York on June 1, 2006. At the time he
5 applied for renewal of his Arizona license, he had not yet signed the New York Consent
6 Agreement and Order activating it, but it appears that he had settled the issue by a consent
7 agreement and was aware of the disciplinary action issued against his New York medical license
8 as of June 1, 2006 which was finalized on December 6, 2006.

9 **INTERIM ONCLUSIONS OF LAW**

10 1. The conduct described in Interim Findings of Fact 3 through 12 herein constitutes
11 unprofessional conduct as defined by the following A.R.S. § 32-1854 subsections:

12 (9) Procuring, renewing, or attempting to procure or renew a license to
13 practice osteopathic medicine by fraud or misrepresentation.

14 (15) Knowingly making any false or fraudulent statement, written or
15 oral, in connection with the practice of medicine or when applying
for or renewing privileges at a health care institution or health care program.

16 (18) The denial of or disciplinary action against a license by any other
17 state, territory, district or country, unless it can be shown that this occurred
18 for reasons that did not relate to the person's ability to safely and skillfully
practice osteopathic medicine or to any act of unprofessional conduct as
provided in this section.

19 (19) Any conduct or practice contrary to recognized standards of ethics
20 of the osteopathic medical profession.

21 (35) Violating a federal law, a state law or a rule applicable to the practice
22 of medicine.

23 2. Based upon the foregoing Interim Findings of Fact and Interim Conclusions of
24 Law the public health, safety or welfare imperatively requires emergency action. A.R.S. § 32-
25 1855 (C).

ORDER

Pursuant to the authority vested in the Board, and based upon the Interim Findings of Fact and Interim Conclusions of Law, **IT IS HEREBY ORDERED THAT:**

1. License No. 4411, issued to Sholom Gootzeit, D.O. ("Respondent"), shall be **SUMMARILY SUSPENDED** from practicing Osteopathic medicine pending a formal hearing before the Board.

2. The Interim Findings of Fact and Interim Conclusion of Law constitute written notice to Respondent of the charges of unprofessional conduct made by the Board against him. Respondent is entitled to a formal hearing to defend these charges as expeditiously as possible after issuance of the Order.

3. The Board's Executive Director has set the matter for Administrative Hearing on June 2, 2007, commencing at 8:00AM.

4. In the event that Respondent makes application for licensure by the Board in the future, he must satisfy all of the applicable statutory and Board administrative rule requirements for licensure.

5. Service of this Consent Order is effective upon either personal delivery or the date of mailing, by U.S. certified mail, addressed to Respondent's last known address of record with the board. See A.R.S. § 31-1855(F).

ISSUED THIS 23RD DAY OF MAY, 2007.



STATE OF ARIZONA
BOARD OF OSTEOPATHIC EXAMINERS IN
MEDICINE AND SURGERY

By: _____

Jack Confer, Executive Director

1 Original "Summary Suspension of License
2 & Hearing Notice" filed this
3 23rd day of May, 2007 with the:

4 Arizona Board of Osteopathic Examiners
5 In Medicine and Surgery
6 9535 East Doubletree Ranch Road
7 Scottsdale AZ 85258-5539

8 Copy of the foregoing "Summary
9 Suspension of License & Hearing Notice"
10 sent via certified, return receipt requested
11 this 23rd day of May, 2007 to:

12 Daniel P. Jantsch, Esq.
13 Olson, Jantsch & Bakker
14 7243 North 16th Street
15 Phoenix, AZ 85020

16 Sholom Gootzeit D.O.
17 1747 E Northern Ave. #164
18 Phoenix, Arizona 85020

19 Copies of the foregoing "Summary
20 Suspension of License
21 & Hearing Notice"
22 sent via regular mail this 23rd day of May, 2007 to:

23 Blair Driggs, AAG
24 Office of the Attorney General CIV/LES
25 1275 West Washington
Phoenix AZ 85007


